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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,302	07/23/2003	T. William Hutchens	William Hutchens		1930
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TWO EMBAR	CADERO CENTER		CHIN, CHRISTOPHER L		
EIGHTH FLOO SAN FRANCIS	OR SCO, CA 94111-3834		••	ART UNIT	PAPER NUMBER
4.2. . 2 - 2 - 3				1641	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE		DELIVER	Y MODE
3 MONTHS		12/19/2006		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

1)⊠ Responsive to communication(s) filed on 28 September 2006. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3]□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s)			Application No.	Applicant(s)					
Christopher L. Chin 1941			10/626,302	HUTCHENS ET AL					
- The MALIND DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Elements of time may be available under the proteined of JC PR 1.73(b), in overch lowers, may a reply be timely filled # 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for reply is pecified above, the machinum statution period will apply and will expire SIX (0) MONTHS from the mailing date of this communication. ## 10 period for for and period statution and for for expire statution is not the machinum statution period will apply and will expire SIX (0) period for for expire statution and for for expire statution. ## 10		Office Action Summary	Examiner	Art Unit					
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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I – claims 1-3 in the reply filed on 9/28/06 is acknowledged. The traversal is on the ground(s) that examination of the subject matter recited in the claims of Groups I-V would not place a substantially greater burden on the Examiner. This is not found persuasive because the inventions in Groups I-V are directed to different methods with different steps. Each method would require a different search strategy with different search terms on commercial data bases.

The requirement is still deemed proper and is therefore made FINAL.

Claims 4-30 are withdrawn from consideration.

Claim Rejections - 35 USC § 112

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague. While the preamble of the claim recites a method for preparing a substrate for detection of analyte, the body of the claim fails to recite any actual step for preparing a substrate. Step (c) recites "preparing a substrate" but its not clear as to what is being done to "prepare" the substrate for detection of the analyte.

Claim 3 is vague because it is not clear as to how the substrate is "prepared".

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L. Chin whose telephone number is (571) 272-0815. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher L. Chin Primary Examiner Art Unit 1641

Christian L. Chi